



REQUEST FOR PROPOSAL

**Kentucky Employers' Mutual Insurance
Request for Proposals (RFP) No. 2024-104
Purpose: Legal Bill Review Platform**

The procurement by competitive negotiation is desired by Kentucky Employers' Mutual Insurance (hereinafter "KEMI") for a legal bill review platform.

Responses must be submitted electronically, in a single PDF document limited to 100MB, via KEMI's online procurement submission portal at: www.kemi.com/rfp

The online procurement submission portal utilizes a two-step process to upload responses. Vendors must complete the access request form by providing contact information and a valid email address. An access link will be sent to the email address provided. Vendors must then follow the access link to the proposal submission form.

Proposals must be submitted on or before: **12:00 PM Eastern Time on May 8, 2024**

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I. RFP SPECIFICATIONS

A. Purpose and Scope of Services

KEMI requires a blend of software and services (“3rd Party Platform”) to handle the review of legal bills from KEMI’s outside counsel. The 3rd Party Platform will eliminate the need for KEMI in-house personnel to review bills from outside counsel.

KEMI is not seeking any Matter Management functions (budgeting, collaboration with outside counsel, document imaging, etc.).

KEMI currently receives approximately 13,000 bills per year constituting 100,000 billable entries on 1,000 files in litigation from approximately a dozen different law firms. Currently invoices are uploaded by the law firms into our current vendor’s system. KEMI, and its law firms, are open to other methods for submission, and the Offeror can advise how this would work if KEMI utilized the Offeror’s 3rd Party Platform.

B. Scoring

A committee will evaluate all responses to ascertain which Offeror(s) best meets KEMI’s business needs and requirements based on the selection criteria below:

	Maximum Points Possible
Functionality	70
Costs	25
Business Continuity Form	5
MAXIMUM POINTS POSSIBLE	100
Interviews/Discussions, if selected	100
MAXIMUM POINTS POSSIBLE With Interviews/Discussions	200

C. Schedule of Events

The following schedule of events represents KEMI’s best estimate of the schedule that shall be followed. KEMI, in its sole discretion, may alter and/or amend this schedule at any time, including not conducting virtual interviews/discussions. Any adjustments to the schedule of events will be emailed to the prospective offeror’s contact on record with Sarah Kosin.



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- RFP Publication Date – Monday, April 8, 2024
- Deadline for Inquiries – Monday, April 22, 2024
- KEMI Response to Inquiries – Friday, April 26, 2024
- Deadline for Submission of Proposals – Wednesday, May 8, 2024
- Virtual Interview/Discussions (Optional) – May 23-24, 2024

II. PROPOSAL REQUIREMENTS

Proposals should include a concise, direct, and accurate description of the Offeror's ability to meet the requirements of the RFP. Offeror must adhere to the following outline:

A. Functionality

- a. Describe how you receive legal bills; the timeframe and process for reviewing and processing legal bills.
- b. Describe the mechanism for outside counsel to appeal any bill reduction. Describe your platform's process and response time for considering the appeal.
- c. Can your platform identify trends in overbilling, both by individual biller and firm, and for different file types? Please explain.
- d. Does your platform provide suggestions and solutions to allow KEMI to more effectively vet incoming legal bills? Please explain.
- e. Can your platform provide analytics to KEMI for the following?
 - i. Hours billed by day, month, and year by biller and firm;
 - ii. View and sort information on average/ranges of billing times for regularly occurring billing entries by biller and firm;
 - iii. Average/ranges of billing times per type of file (ex: acute injury, cumulative trauma injury, hearing loss, state black lung, federal black lung) in order to compare the billing totals between billers and firms;
 - iv. Reductions in bills by your platform, as well as the results of any appeals.
- f. Does your platform allow KEMI to run reports and review data concerning billing entries by biller and firm, as well as reductions and appeals, concerning your platform and any individual reviewing the bills for your platform? Please describe.
- g. Can your platform import historic billing data from KEMI's current 3rd Party Platform?



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B. Costs

Provide a specific and detailed explanation of any and all costs associated with your platform, including but not limited to, the cost per year, any implementation costs, and any conversion costs.

C. References

Provide at least three executive-level client references for which you have provided similar services as outlined in this RFP. You must include the client's name and address, as well as the name and phone number of a contact person. You may also include other references such as other businesses or other resources with whom you are associated and can provide a relevant, specific assessment of your qualifications to provide the services requested in this RFP.

D. Business Continuity Form

Complete the Business Continuity Form which is attached to this RFP, and return it as a separate attachment with your response. You must utilize the Business Continuity form for your answers.

III. INSTRUCTIONS

**READ ALL INSTRUCTIONS CAREFULLY.
FAILURE TO DO SO WILL BE AT THE OFFEROR'S RISK.**

- A. Proposals must set forth full, accurate, and complete information as required by this RFP. Failure to follow these requirements may be cause for rejection of the proposal.
- B. KEMI is not liable for any expenses incurred in the preparation and presentation of the proposal.
- C. The Offeror Form located in the addendum must be signed by the person submitting the proposal and must include the signee's printed or typed name, business address, email address, company website, telephone number, and date. This form must be submitted with your proposal.
- D. The Sworn Statement Regarding Campaign Finance Laws Form located in the addendum must be signed, notarized, and submitted with your proposal.
- E. The Proposal Submission Checklist located in the addendum is included to ensure accurate and complete submissions.
- F. Proposals must be submitted electronically via KEMI's online submission portal as specified on the first page of this RFP. Unless stated otherwise in the RFP, it is **strongly preferred** that the entire proposal is submitted in a single PDF document. If separate attachments are also submitted, they must be clearly labeled and timely submitted. Please note that only a maximum of ten (10) attachments can be submitted through the online submission portal. No other method of correspondence will be accepted.
- G. **The Proposal Deadline Date and Time are the date and time indicated on the first page of this RFP. The date and time that KEMI actually receives the proposal will determine whether the applicant has met the deadline for response.**



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- H. All inquiries concerning the form and method or specific services/products as well as requests for copies of the RFP must be made in writing to:

Sarah Kosin
rfp@kemi.com

Responses to inquiries will be shared with all potential Offerors having received a copy of this RFP from KEMI. Therefore, distribution of this RFP must be handled directly by KEMI. Any unauthorized contact with any KEMI staff other than as specified above may disqualify the Offeror from further consideration.

IV. GENERAL INFORMATION

A. Background

KEMI was created in 1994 by the Kentucky General Assembly to provide workers' compensation insurance to Kentucky employers. KEMI is Kentucky's largest writer of workers' compensation insurance with its headquarters located in Lexington, Kentucky. For additional information about KEMI, please visit www.kemi.com.

B. Discussions with Offeror

Discussions may be conducted with all responsible Offerors who submit proposals and are determined to be reasonably qualified and susceptible of being selected for award. Discussions may be for the purpose of clarification to assure full understanding of, and conformance to, the proposal requirements; however, Offerors will not be permitted to change their original proposal. Offeror should clearly understand that any verbal representations made or assumed to be made during any oral discussion held between Offeror and KEMI are not binding.

KEMI may require Offerors among the top scoring proposals to participate in a virtual interview. See aforementioned Schedule of Events. The principal contact for KEMI will be required to participate in the interview.

C. Proposal Modifications

Any changes, amendments or modifications to a proposal after it has been submitted must be made prior to the deadline for receipt of proposals, must be in writing, and must be submitted in the same manner as the original proposal.

Proposals or modifications received by KEMI after the exact hour and date specified shall not be considered.

F. Confidentiality



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Matters relating to this RFP and any resulting contracts shall not be discussed with anyone other than KEMI staff without the prior written consent of KEMI. No opinions, reports, summaries, letters, or other documents prepared with respect to the RFP shall be released without approval of KEMI, except as required by state or federal law.

Except as required by law, information furnished by any Offeror in response to this RFP will not be disclosed by KEMI without the prior written consent of the Offeror.

G. Reservation of Rights

KEMI reserves the right to:

- I. Reject any or all proposals and waive any requirement, informality, or condition of proposals.
- II. Cancel the RFP and not award the RFP.
- III. Prohibit sub-contractors of the Offeror from performing any of the Services outlined in this RFP without the prior written consent of KEMI.
- IV. Categorize Offeror as an independent contractor, denying any employee/employer relationship between KEMI and Offeror.
- V. Approve the time and format of payment for the Offeror(s). KEMI will audit fees for reasonableness and accuracy.
- VI. Add items or services within the scope of the resultant contract if mutually agreeable by both the Offeror and KEMI.
- VII. Amend this RFP. Any amendment or information provided to a prospective Offeror will be provided to all prospective Offerors. If necessary, an RFP based on revised specifications will be issued as promptly as possible.
- VIII. Perform services in-house, or to contract with another company to perform like services.
- IX. Require a contract with the winning Offeror(s). Contract negotiations will commence at the conclusion of the RFP process.

H. Registration with the Kentucky Secretary of State

By responding to this RFP, the Offeror agrees and acknowledges that:

1. If the Offeror is a foreign entity as defined under Kentucky Revised Statute (KRS) 14A.1-070(10), and it is awarded a contract, it will ensure that it is properly registered with the Kentucky Secretary of State in accordance with KRS 14A.9-010 during the life of any contract awarded, or otherwise document the legal exemption which applies.
2. If the Offeror is a Kentucky entity as defined under KRS 14A.1-070(7), and it is awarded a contract, it will ensure that it is properly registered with the Kentucky Secretary of State in accordance with KRS Chapter 14A, or otherwise document the legal exemption which applies.

The aforementioned information shall be maintained during the life of any contract awarded and provided to KEMI upon request.



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I. Protest

Any offeror who is aggrieved in connection with the solicitation or award of a contract may file a written protest to KEMI's Internal Auditor within fourteen (14) calendar days after such aggrieved offeror knows or should have known of the facts giving rise to the protest.

Patrick Simpson
psimpson@kemi.com



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OFFEROR INFORMATION:

IMPORTANT: SUBMISSION MUST CONTAIN ORIGINAL SIGNATURE

Signed by: _____
 Date: _____
 Type or Print Name: _____
 Company: _____
 Address: _____

 City: _____ State: _____ Zip: _____
 Phone No. _____ (Area Code) _____
 Fax No. _____ (Area Code) _____
 Email Address: _____
 Company Website: _____
 Federal ID or SSN # _____
 Type of ownership: _____ Individual _____ Sole Proprietorship
 _____ Corporation _____ Partnership

In addition to the principal contact listed above, please include below any additional contacts you would like to receive communication regarding the RFP. KEMI will only send communication regarding the RFP to the principal contact and the contact(s) listed below. The information includes, but is not limited to, KEMI's responses to inquiries, status updates about the RFP, any modifications to the RFP, requests for interview scheduling, etc.

Contact Name(s) for RFP Communication:

Contact Email(s) for RFP Communication:

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Sworn Statement Regarding Campaign Finance Laws:
Pursuant to KRS 45A.110 and KRS 45A.115

This sworn statement regarding campaign finance laws must be signed and notarized and returned with your proposal.

The undersigned hereby swears or affirms, under penalty prescribed by law for perjury, that neither he/she, individually, nor, to the best of his/her knowledge and belief, the corporation, partnership, or other business entity which he/she represents in connection with this procurement, has knowingly violated any provisions of the campaign finance laws of the Commonwealth of Kentucky, and that the award of a contract to him/her, individually, or to the corporation, partnership or other business entity which he/she represents, will not violate any campaign finance laws of the Commonwealth.

OFFEROR

(Signature)

(Title)

(Name of Company or Corporation)

State of _____)
) SS
County of _____)

The foregoing statement was acknowledged and sworn on before me this _____ day
of _____, _____.

Notary Public

My Commission expires: _____.



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PROPOSAL SUBMISSION CHECKLIST

The vendor **MUST** include the following with the proposal submission.
If the items below are not submitted with the proposal submission,
KEMI will reject the proposal and the Offeror will be disqualified.

SIGNED OFFEROR INFORMATION FORM

SIGNED AND NOTARIZED SWORN STATEMENT REGARDING CAMPAIGN FINANCE LAWS

COMPLETED BUSINESS CONTINUITY FORM

ORIGINAL COPY OF THE PROPOSAL
(prepared in accordance with the Specifications and Requirements described in this RFP)